

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JONATHAN HADNOTT, JESSIE HADNOTT, KEVIN HUNT, and BRANDELL BETTS,)	
)	
Plaintiffs,)	Case No. 07 C 6754
)	
v.)	Judge David H. Coar
)	
UNKNOWN UNNAMED OFFICERS OF THE CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO,)	Magistrate Judge Schenkier
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND
FOR ORDER TO COMPEL**

Plaintiffs JONATHAN HADNOTT, JESSIE HADNOTT, KEVIN HUNT, and BRANDELL BETTS, by and through their attorney, Irene K. Dymkar, and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, hereby move this Court to enter an order granting leave to file an amended complaint and to compel direct confirmation of the individual defendants' identities. In support of their motion, plaintiffs state:

1) This action was commenced by the filing of a complaint alleging a cause of action under the Civil Rights Act of 1871 (42 U.S.C. §1983) to redress deprivations of the civil rights of plaintiffs through acts and/or omissions of defendants committed under color of law.

ORDER TO COMPEL

2) By letter of July 7, 2008, a copy of which is attached hereto as Exhibit A, defense counsel Ashley C. Kosztya has disclosed the names of the three officers she believes

encountered plaintiffs on December 6, 2006. However, the identities have been determined solely by the deduction of a police sergeant, who has studied certain documents. According to Ms. Kosztya: “Sergeant Boyle was able to determine [the identities] after being told that when Officer Kelly logged into PMDT 4620 on that date, his beat was listed as being 762E (see attached document labeled as “MDT/Beat & Personnel Identification, Bates-numbered “City 0032”), which is the beat those officers were working on the same shift (1000 hours to 1830 hours).”

3) However, according to the Attendance and Assignment sheets previously produced on June 11, 2008, Michael Kelly was working *Beat 762B* in *Car No. 3696*, while Marc Jarocki and Patrick Gilmore were working *Beat 762E* in *Car No. 3756*. There is therefore a discrepancy in the information provided.

4) On July 10, 2008, I spoke to Ms. Kosztya and determined that she had not talked to any one of the three officers directly to confirm that they are the correct officers. I asked her to contact the officers, both because plaintiffs do not want any additional delays in this case and because plaintiffs do not want to implicate and inconvenience the wrong officers. Ms. Kosztya said she did not think it was necessary to contact the officers directly because the sergeant had looked at the documents and made his determination.

5) Given all the problems just in getting off the ground in this case, and in order to conserve Court and attorney time, plaintiffs ask the Court to direct defense counsel to contact one or more of the named officers, Michael Kelly, Marc Jarocki, and Patrick Gilmore, to confirm that they in fact stopped a man on West 56th and South Racine in Chicago, Illinois, at approximately 4:00 PM on December 4, 2006, and thereafter went to 7322 S. Green, Chicago, Illinois, to search the premises.

LEAVE TO FILE AMENDED COMPLAINT

6) Assuming that Michael Kelly, Marc Jarocki, and Patrick Gilmore are correctly named as the officers involved in the incidents alleged by plaintiffs, then plaintiffs seek to add them as defendants in this case.

7) Plaintiffs had previously brought a motion for leave to amend the complaint when Michael Kelly was first identified. The Court granted that motion on June 11, 2008. The Court, however, asked plaintiffs to hold off filing the amended complaint until the other two officers could be identified.

8) Plaintiffs have attached as Exhibit B a copy of the revised proposed amended complaint with the three named defendants and ask that the Court approve the filing thereof.

9) Rule 15(a) states that leave to amend a complaint shall be freely given when justice so requires.

WHEREFORE, plaintiffs request that the Court direct defense counsel to confirm by direct contact with Michael Kelly, Marc Jarocki, and Patrick Gilmore that they are the correct officers in this case and that the Court grant them leave to file the amended complaint attached hereto as Exhibit B.

Dated: July 11, 2008

/s/ Irene K. Dymkar
Irene K. Dymkar

Irene K. Dymkar
Plaintiffs' Attorney
300 W. Adams Street, Suite 330
Chicago, IL 60606-5107
(312) 345-0123